

ORDINANCE NO. 1085

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, RELOCATING SETBACKS FOR SINGLE-FAMILY DWELLINGS AND DUPLEXES FROM CHAPTER 17.99, THE DESIGN MANUAL, TO THE DEVELOPMENT STANDARDS OF INDIVIDUAL ZONING DISTRICTS IN TITLE 17; AMENDING SECTIONS 17.99.290, 17.16.060, 17.17.040, 17.20.040, 17.21.040, 17.24.050, 17.28.050, 17.30.050, 17.36.060, AND 17.40.080 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the required setbacks for single-family residential development are found in Chapter 17.99, the Design Manual, which provides for a design review board process; and,

WHEREAS, the Design Review Board has no authority to consider or recommend approval of any deviation from minimum setbacks standards, pursuant to GHMC 17.99.030(B); and

WHEREAS, approval to deviate from minimum setback standards must be obtained through the variance process defined in Chapter 17.66 GHMC and not through the design review board process; and

WHEREAS, the City applies single-family setback standards to duplex dwellings pursuant to GHMC 17.20.070, 17.24.040, 17.46.090, 17.48.090(F), and 17.50.090(E); and

WHEREAS, the performance standards of the individual zoning district do not always reference that the setbacks for single-family and duplex dwelling are found in Chapter 17.99, the Design Manual; and

WHEREAS, the standards contained in Chapter 17.99, the Design Manual prevail in those cases where the standards of other chapters of GHMC Title 17 contradict or are different than the standards in Chapter 17.99 GHMC, pursuant to GHMC 17.98.020; and

WHEREAS, the City desires to relocate the single-family and duplex setbacks from Chapter 17.99, the Design Manual, to the development standards of individual zoning districts for ease of reference and application by staff and applicants; and

WHEREAS, the City's SEPA Responsible Official issued a DNS for the proposed amendments on April 4, 2007 pursuant to WAC 197-11-340, which was not appealed; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development on March 16, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on March 15, 2007 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on April 23, 2007; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the second reading on May 14, 2007; and

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 17.99.290 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.290 Residential setbacks.

The following standards apply to all single-family residential development outside the historic district and all multifamily development city-wide. In order to deviate from minimum setback standards, approval must be obtained through the variance process defined in Chapter 17.66 GHMC and not through the design review process.

A. Conform to single-family setback requirements.*

Single-family development shall comply with the setbacks defined for each zone in GHMC Title 17. The following minimum Single-family setbacks are intended to give greater emphasis to front entrances and porches while keeping the garage a subordinate element in the house design. Garages may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

FRONT SETBACK.....	House - 20 feet
Porch - 12 feet	
Garage - 26 feet	
SIDE SETBACK.....	8 feet**
REAR SETBACK.....	30 feet**

* In the PCD-RMD district, the following setbacks apply to single-family development:

* FRONT SETBACK.....	House - 15 feet
Porch - 12 feet	

* SIDE SETBACK.....	5 feet
* REAR SETBACK.....	15 feet, except that garages may be within three feet of an alley easement.

~~** Garages may be located in the defined side and rear yards provided they conform to the criteria in GHMC 17.99.490(A)(1).~~

Section 2. Section 17.16.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.16.060 Development standards.

In an R-1 district, the minimum lot requirements are as follows:

A. Minimum lot area per building site for short plats ¹	7,200 sq. ft.
B. Minimum lot width ¹	70'
C. Minimum front yard setback ²	<u>House: 20'</u> <u>Porch: 12'</u> <u>Garage: 26'</u>
D. Minimum rear yard setback ^{2, 3}	30'
E. Minimum side yard setback ^{2, 3}	<u>8'</u>

¹A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7 percent of the lot area, in lineal feet.

²As defined in GHMC 17.99.290 and 17.99.320. Development in the historic district shall comply with the setbacks defined in GHMC 17.99.310 and 17.99.320.

³Garages may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

Section 3. Subsection 17.17.040(B)(4) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.17.040 Performance standards.

* * *

B. General.

1. Maximum density is four dwelling units per structure in attached single-family dwellings.
2. Each unit must have individual private yards or courts enclosed by a wall, berm or dense landscaping.
3. Private easements shall be required for all zero lot line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.
4. Minimum yards (from the property lines): as defined in GHMC 17.99.290.

a. Front yard setback _____ House: 20'
Porch: 12'
Garage: 26'

b. Rear yard setback _____ 30'

c. Side yard setback _____ 8'

d. Garages may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

5. Minimum Lot Area. The minimum lot size is 10,000 square feet for divisions of land of four or less lots. A minimum parcel size is not specified for divisions of land of five or more lots.

6. Minimum Lot Width. Minimum lot width is 0.7 percent of the lot area, in lineal feet.

7. Maximum Height. The maximum height is 35 feet.

8. Maximum lot area coverage: Forty-five percent, excluding residential driveways, private walkways and similar impervious surfaces.

9. Landscaping. Landscaping shall comply with the requirements of Chapters 17.78 and 17.99 GHMC.

10. Design. All residential single-family structures, attached or detached, shall comply with the design standards defined in GHMC 17.99.490.

11. Circulation/Roads/Streets. Residential development which provides pedestrian linkages to and within common open space trails systems may be waived from the provisions of public sidewalks, curbs and gutters within the residential development, in whole or in part, upon approval of the public works director.

12. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.

* * *

Section 4. Section 17.20.040 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.20.040 Development Standards

In an R-2 district, the minimum requirements are as follows:

	<u>Single-family</u>	<u>Other residential</u>
	<u>and duplex</u>	<u>and</u>
	<u>dwellings</u>	<u>nonresidential</u>
A. Minimum lot area for short plats ¹		7,000 sq.ft./dwelling unit
B. Minimum lot width ¹	50'	50'
C. Minimum front yard ^{2, 4}	<u>House: 20'</u>	25'
	<u>Porch: 12'</u>	
	<u>Garage: 26'</u>	
D. Minimum side yard ^{4, 5}	8'	7'
E. Minimum rear yard ^{4, 5}	30'	25'

F. Maximum site coverage	40% of the total lot area
G. Maximum density ³	6 dwelling units/acre

¹A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7 percent of the lot area, in lineal feet.

² In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line; provided, such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties as determined by the planning and public works directors. The other property line abutting a street shall be deemed the side property line. An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

³ A maximum density of up to 7.8 dwelling units per acre may be permitted within a planned residential development, pursuant to Chapter 17.89 GHMC.

⁴Development in the historic district shall comply with the setbacks defined in GHMC 17.99.310 and 17.99.320.

⁵Garages accessory to single-family and duplex dwellings may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

Section 5. Subsection 17.21.040(B)(2) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.21.040 Performance standards.

* * *

B. General.

1. Single-family attached dwelling units must have individual private yards or courts enclosed by a wall, berm or dense landscaping. Easements shall be required for all zero lot line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.

2. Minimum yards (from the property line). Multifamily or multiple units of single-family on one parcel:

- a. Front, 10 feet.
- b. Side, 30 feet.
- c. Rear, 30 feet.

Single-family on individual parcels: as defined in GHMC 17.99.290.

a. Front yard setback _____ House: 15'
Porch: 12'
Garage: 15'

b. Rear yard setback _____ 15', except that garages may be within three feet of an alley easement.

c. Side yard setback _____ 5'

3. Maximum Height. The maximum height is 45 feet, except as provided under GHMC 17.99.390(A)(3).

4. Maximum lot area coverage: Sixty-five percent, excluding driveways, private walkways and similar impervious surfaces. Impervious surface coverage of individual parcels may exceed the 65 percent maximum when included within a subdivision; provided, that the overall

impervious surface coverage of the subdivision does not exceed 65 percent.

5. Landscaping. Landscaping shall comply with the requirements of Chapters 17.78 and 17.99 GHMC and GHMC 17.99.250, except that buffer dimensions shall be reduced to 10 feet when the proposed use is adjacent to a similar use or zone which includes a platted buffer of equal or greater width.

6. Circulation/Roads/Streets. Residential development which provides pedestrian linkages to and within common open space trails systems may be waived from the requirements in the city's public works standards for public sidewalks, curbs and gutters within the residential development, in whole or in part, upon approval of the public works director.

7. Design. All development shall comply with the standards of Chapter 17.99 GHMC.

8. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.

Section 6. Section 17.24.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.24.050 Development standards.

In an R-3 district, the minimum lot requirements are as follows:

	<u>Single-family</u> <u>and duplex</u> <u>dwellings</u>	<u>Other residential</u> <u>and</u> <u>nonresidential</u>
A. Minimum lot area for short plats ¹		5,400 sq. ft./dwelling unit
B. Minimum lot width ¹	50'	50'
C. Minimum front yard ²	House: 20' Porch: 12' Garage: 26'	20'
D. Minimum side yard ⁴	8'	7'
E. Minimum rear yard ⁴	30'	25'
F. Maximum site coverage		60% of the total lot area
G. Maximum density ³		8 dwelling units/acre

¹A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7 percent of the lot area, in lineal feet.

²In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line; provided, such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties as determined by the planning and public works directors.

³A maximum density of up to 10.4 dwelling units per acre may be permitted within a planned residential development, pursuant to Chapter 17.89 GHMC.

⁴Garages accessory to single-family and duplex dwellings may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

Section 7. Section 17.28.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.28.050 Minimum development standards.

In an RB-1 district, the minimum lot requirements are as follows:

	<u>Single-family</u> <u>Dwellings</u>	<u>Other</u> <u>Residential</u>	Nonresidential
A. Minimum lot area (sq.ft.)	<u>7,200</u>	7,200	15,000
B. Minimum lot width	<u>70'</u>	70'	70'
C. Minimum front yard setback ¹	<u>House: 20'</u> <u>Porch: 12'</u> <u>Garage: 26'</u>	20'	20'
D. Minimum rear yard setback ¹⁻²	<u>30'</u>	25'	15'
E. Minimum side yard setback ¹⁻²	<u>8'</u>	7'	10'
F. Maximum impervious lot coverage	<u>50%</u>	50%	60%
G. Minimum street frontage	<u>20'</u>	20'	50'
H. Density	4 dwelling units/acre	4 dwelling units/acre	
I. Maximum gross floor area	<u>N/A</u>	N/A	5,000 sq. ft. per lot

¹If the RB-1 district is located in the historic district defined in Chapter 17.99 GHMC, the setbacks defined in GHMC 17.99.310 and 17.99.320 shall apply. Single-family dwellings in any RB-1 district outside the historic district are subject to the setback standards of GHMC 17.99.290.

²Garages accessory to single-family and duplex dwellings may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

J. Any yard abutting a single-family residence shall be required to maintain a 30-foot-wide dense vegetated screen.

Section 8. Section 17.30.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.30.050 Development standards.

In an RB-2 district, development standards shall be satisfied for all new and redeveloped uses requiring site plan review:

	<u>Single-family</u> <u>and duplex</u> <u>dwellings</u>	<u>Other residential</u> <u>and</u> <u>nonresidential</u>
A. Minimum lot area:	<u>12,000 square feet</u>	12,000 square feet
B. Minimum lot width:	<u>70 feet</u>	70 feet
C. Front yard setback:	<u>House: 20 feet</u> <u>Porch: 12 feet</u> <u>Garage: 26 feet</u>	20 feet
D. Side yard setback ¹ :	<u>eight feet</u>	eight feet

E. Rear yard setback¹: 30 feet 15 feet

F. Any nonresidential yard abutting an existing residential use or zone: 40 feet with dense vegetative screening. Easements not having dense vegetative screening are not included;

G. Maximum density: Eight dwelling units per acre permitted outright; 12 dwelling units per acre allowed as a conditional use.

¹ Garages accessory to single-family and duplex dwellings may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

Section 9. Section 17.36.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.36.060 Minimum building setback requirements.

	<u>Single-family</u> <u>and duplex</u> <u>dwellings</u>	<u>Other residential</u> <u>and</u> <u>nonresidential</u>
A. Front yard*	<u>House: 20 feet</u> <u>Porch: 12 feet</u> <u>Garage: 26 feet</u>	20 feet
B. Rear yard*	<u>30 feet</u>	20 feet
C. Side Yard*	<u>8 feet</u>	1. Interior yards, 5 feet 2. Flanking street, 10 feet
D. Separation between structures	<u>20 feet</u>	20 feet
E. Any yard abutting residential development, 30 feet with dense vegetative screening.		

*If the B-2 district is located in the historic district as defined in Chapter 17.99 GHMC, the setbacks defined in GHMC 17.99.310 and 17.99.320 shall apply.

Section 10. Section 17.40.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.40.080 Minimum building setback requirements.

~~In a C-1 district, there are no minimum requirements for front, side and rear building setbacks, except that C-1 districts located in the historic district defined in Chapter 17.99 GHMC are subject to the setbacks defined in GHMC 17.99.310 and 17.99.320. Outside the historic district, setback dimensions shall be determined as part of the site plan reviews of Chapter 17.96 GHMC. Where a C-1 district abuts a residential district, the minimum yard shall be 30 feet with a dense vegetative screen located on the commercial property. The minimum separation between commercial structures on the same site shall be 20 feet.~~

	<u>Single-family</u> <u>and duplex</u> <u>dwellings</u>	<u>Other residential</u> <u>and</u> <u>nonresidential</u>
A. Front yard ¹	House: 20 feet	Front, side and rear

	Porch: 12 feet	<u>building setbacks shall</u>
	Garage: 26 feet	<u>be determined as part of</u>
<u>B. Rear yard¹</u>	30 feet	<u>site plan review,</u>
<u>C. Side Yard¹</u>	8 feet	<u>Chapter 17.96 GHMC</u>
<u>D. Separation between</u>	<u>N/A</u>	<u>20 feet</u>
		<u>structures</u>
		<u>E. Any yard associated with a nonresidential development abutting a</u>
		<u>residential district shall be 30 feet with a dense vegetative screen located on</u>
		<u>the nonresidential property.</u>
		<u>¹If the C-1 district is located in the historic district as defined in Chapter 17.99</u>
		<u>GHMC, the setbacks defined in GHMC 17.99.310 and 17.99.320 shall apply.</u>

Section 10. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 11. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 14th day of May, 2007.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 04/18/07
PASSED BY THE CITY COUNCIL: 05/14/07
PUBLISHED: 05/23/07
EFFECTIVE DATE: 05/28/07
ORDINANCE NO: 1085